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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE SCOTT A. MONETTE,

2:12-CV-1180 JCM (PAL)

Petitioner.

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Leen. (Doc. # 4). No objections have been filed even though the deadline for filing objections has passed.

Upon considering a letter sent to the court by petitioner Scott A. Monette, (doc. # 1), Magistrate Judge Leen recommended that this action be dismissed because petitioner has failed to file a complaint or set forth any basis for the court's jurisdiction. (Doc. # 4).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the

1 district court when reviewing a report and recommendation to which no objections were made); *see*
2 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
3 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
5 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
6 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
7 to which no objection was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
10 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
11 in full.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
14 recommendation of Magistrate Judge Leen (doc. # 4) are ADOPTED in their entirety.

15 IT IS FURTHER ORDERED that this action is DISMISSED without prejudice. The clerk
16 is instructed to enter judgment accordingly and close the case.

17 DATED August 1, 2014.

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20 **UNITED STATES DISTRICT JUDGE**